

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:20-CR-487-M-2

No. 5:23-CV-148-M

MARTIN VILLILABOS MALAGA,

Petitioner,

v.

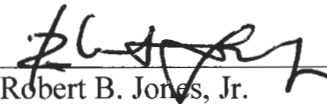
UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter came before the court for hearing on Petitioner's claim, pursuant to 28 U.S.C. § 2255, that counsel failed to file a notice of appeal as directed. [DE-138]. At the December 19, 2024 hearing, at which Petitioner was represented by Helen Smith and the Government was represented by Paige O'Hale, Defendant informed the court, with the aid of an interpreter, that he wished to withdraw his sole remaining claim that counsel failed to file a notice of appeal after Petitioner directed him to do so. In response to questioning from the court, Petitioner affirmed that he had discussed his decision to withdraw his claim with his counsel, he was withdrawing his claim of his own free will, that he had not been coerced or threatened, and that he understood the consequences of withdrawing his claim. The court finds that it is Petitioner's knowing and voluntary decision to withdraw his claim. Accordingly, the claim is withdrawn and the motion to dismiss, [DE-123], shall be terminated as moot.

SO ORDERED, this the 19 day of December, 2024.


Robert B. Jones, Jr.
United States Magistrate Judge